IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 32945 of 2007(V)

OS.329/1962 of I ADDL.M.C.,NEYYATTINKARA
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PETITIONER:

PODIKUTTY NADAR MADHAVAN,
ALOOTTUVILA VEEDU, CHOOZHAL VARAMBU,
ADACKKAKUZHI P.O., KANYAKUMARI DISTRICT.

BY ADV. SRI.P.GOPALAKRISHNAN NAIR

RESPONDENTS:
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1. DANIEL NADAR NAGAMONY NADAR,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

2. CHELLAYYAN NADAR CHRISTUDAS,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

3. CHELLAYYAN NADAR THOMAS,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

4. CHELLAYYAN NADAR FRANCIS,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

5. CHELLAYYAN NADAR RAJAPPAN,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506

6. CHELLAYYAN NADAR ROBINSON,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506

7. MARIYA THANKOM,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

8. CHELLAN NADAR LAWRANCE,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

9. THANKOM GRACY,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

10. THANKOM PUSHPAM,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

11. THANKOM ASSYLA,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

12. THANKOM HOSSILA,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

13. CHELLAN NADAR STANLY,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

14. CRYSTAL THANKOM,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

15. JUSTIN RAJ,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

16. JEEVANSON,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

17. KEVER RAJ,
MELE KUZHINJANVILA,THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

18. PRINCE,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

19. SARVIN,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

20. ALDRINE,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

21. PRITLY,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

22. AMMALU THANKOM,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

23. JOHNSON ROBINSON,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

24. THANKOM SOOSAMMA,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

25. THANKOM SHEEBA,
MELE KUZHINJANVILA, THEKKEKARA PUTHEN VEEDU,
KARODU P.O., PIN-695506.

26. JNANA SOUNDARI,
MELE KUZHINJANVILA, KALLAMPOTTA VEEDU,
KARODU P.O., PIN-695506.

27. AGASTHYANOSE,
MELE KUZHINJANVILA, KALLAMPOTTA VEEDU,
KARODU P.O., PIN-695506.

28. JNANA SELVAM,
MELE KUZHINJANVILA, KALLAMPOTTA VEEDU,
KARODU P.O., PIN-695506.

29. LASSAMMA LEELA BAI,
KEEZHEKUZHINJANVILA, ROADARIKATHU VEEDU,
KARODU P.O., PIN-695506.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.32945 of 2007

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Dated this the 7th day of November, 2007.

JUDGMENT

On a perusal of the order written by the learned Munsiff, Neyyattinkara, it is revealed from the preliminary judgment that D24 and D25 were allotted shares as per Ext.D30. Therefore, the court held that D24 and D25 are not entitled to get possession of the property over which their rights were declared. Therefore, the court further held that since D24 and D25 had no right to get possession over the property as per the preliminary judgment, there is no necessity to give direction to the Advocate Commissioner to identify the property over which D24 and D25 had jenmom right as per Ext.D30. If this finding is correct, then issuance of Commission is not necessary for the reason that the parties are only entitled to jenmom right over the property and at the most to receive compensation under the Kerala Land Reforms Act. So in the light of that finding by the court below, this Writ Petition is dismissed. But I make it clear that if there is any

further contention that they are entitled to actual possession of the property, then they may agitate it before the court below and then the court may have to change its stand if it finds so.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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